

# EXHIBIT B

UNCERTIFIED ROUGH DRAFT

1 ROUGH DRAFT DISCLAIMER

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2 IMPORTANT NOTICE  
3 AGREEMENT OF PARTIES

4 We, the party working with rough draft transcripts,  
5 understand that if we choose to use the rough draft  
6 screen or the printout, that we are doing so with  
the understanding that the rough draft is an  
uncertified copy.

7 We further agree not to share, give, copy, scan,  
8 fax or in any way distribute this rough draft in  
any form (written or electronic) to any party.  
9 However, our own experts, co-counsel, and staff may  
have LIMITED INTERNAL USE of same with the  
10 understanding that we agree to destroy our rough  
draft and/or any electronic form, if any, and  
11 replace it with the final transcript upon its  
completion.

12 By accepting a rough draft transcript, I am hereby  
13 agreeing to the above-mentioned terms, and I  
further agree to pay for these reporting services  
14 that have been provided. I also understand that  
receipt of this rough draft will constitute an  
order for the final transcript.

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16 CASE: IN RE: JOHNSON & JOHNSON TALCUM POWDER  
17 PRODUCTS MARKETING, SALES PRACTICES, AND PRODUCTS  
LIABILITY LITIGATION

18 WITNESS: DANIEL CLARKE-PEARSON, M.D.

19 DATE: January 17, 2024

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REPORTER'S NOTE:

21 Since this deposition has been in rough draft form,  
22 please be aware that there may be a discrepancy  
regarding page and line number when comparing the  
rough draft with the final transcript.

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1 Also, please be aware that the uncertified rough  
2 draft transcript may contain untranslated steno,  
3 reporter's notes in asterisks, misspelled proper  
4 names, incorrect or missing Q/A symbols or  
punctuation, and/or nonsensical English word  
combinations. All such entries will be corrected  
on the final, certified transcript.

5 COURT REPORTER: Christine Taylor, RPR

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22 in this litigation. But as has been discussed in a  
23 prior deposition, I became retained after I became  
24 better educated about talcum powder but reviewing  
25 literature at the time.

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1 Q. You were -- sorry?

2 A. The literature that I was not aware of  
3 to begin with.

4 Q. You were retained in this litigation in  
5 2018; correct?

6 A. I believe so yes.

7 Q. Is it your testimony that you discussed  
8 talcum powder as a risk factor for ovarian cancer  
9 with medical students before 2018?

10 MS. O'DELL: Jessica I object to this  
11 questioning the purpose of this deposition  
12 is to ask questions about what's occurred  
13 since his last deposition, August 2021. He  
14 was asked questions about what he was  
15 telling students and others in 2018 --  
16 before 2018 in his first deposition. And so  
17 we just ask you to focus on activity after  
18 August 2021.

19 BY MS. DAVIDSON:

20 Q. Dr. Clarke-Pearson you can answer the  
21 question?

22 A. I don't.

23 MS. O'DELL: Would you repeat or have  
24 Jessica please I'm not sure remember it  
25 Dr. Clarke-Pearson may not either.

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1 MS. DAVIDSON: Court reporter can you  
2 repeat my question.

3 (The reporter read the last question.)

4 THE WITNESS: I don't recall when I  
5 started talk to medical students about  
6 talcum powder per se.

7 MS. O'DELL: You guy can we go off the  
8 record just for a moment we need to check  
9 the power cord for Dr. Clarke-Pearson, so  
10 let's go off the record.

11 (Recess taken from 9:37 a.m. until 9:38 a.m.)

12 Q. Dr. Clarke-Pearson have you made any  
13 public statements about asbestos and ovarian cancer  
14 since August 2021?

15 A. Not that I'm aware of.

16 Q. Have you spoken in any public forum  
17 about ovarian cancer since August 2021?

7 either.

8 BY MS. DAVIDSON:

9 Q. Are you familiar with the term post hoc  
10 analysis?

11 A. Somewhat, yes.

12 Q. What does that mean?

13 A. It means after the study has been done,  
14 somebody not necessarily the primary researcher but  
15 somebody could have access to the database and  
16 reanalyze the database for asking another question  
17 that might be contained in the data that's there.

18 Q. Do you do post hoc analyses raise any  
19 issue with respect to scientific in egg tee?

20 MS. O'DELL: Object to the form.

21 THE WITNESS: No I think scientific  
22 integrity obviously ties back to publication  
23 otherwise if it's just sitting on somebody's  
24 desk it's not -- doesn't mean anything. So  
25 that integrity goes through the peer

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1 reviewed process before it gets published  
2 and identifying, you know, in the manuscript  
3 that it's a post hoc analysis is important  
4 for full disclosure.

5 BY MS. DAVIDSON:

6 Q. Is the a reliability of a meta-analysis  
7 contingent on proper selection of studies and data  
8 sets?

9 MS. O'DELL: Objection.

10 THE WITNESS: I would say yes.

11 BY MS. DAVIDSON:

12 Q. Did Woolen 2022 include the prospective  
13 data from a O'Brien 2020 fold analysis?

14 MS. O'DELL: Objection form.

15 THE WITNESS: It obtained it -- I had  
16 included information supplied by O'Brien  
17 from the Minerva study one that as I  
18 understand it had not been published  
19 previously.

20 BY MS. DAVIDSON:

21 Q. Do you know why Woolen 2022 did not  
22 include prospective data from O'Brien 2020  
23 published?

24 MS. O'DELL: Objection to form the data  
25 in 2020 is different than the data that was

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1 supplied by O'Brien for this Woolen paper.

2 BY MS. DAVIDSON:

3 Q. Do you know what the reason for that  
4 is?

5 A. Because O'Brien hadn't published  
6 previously on daily exposure in the previously  
7 published national health study -- national health  
8 study participants.

9 Q. Did O'Brien 20220 use the term frequent  
10 exposure?

11 A. I have to go back to O'Brien 2020.

12 Q. Why don't we mark O'Brien 2020 I think  
13 we did actually?

14 MR. TRANGLE: We did.

15 Q. O'Brien 2020 was Exhibit 6 let's put  
16 that up Asher we want to move things along we'll  
17 come back to this.

18 BY MS. DAVIDSON:

19 Q. If you could turn -- Dr. Clarke-Pearson  
20 if you could look up on the screen just to move  
21 things along. Do you see where it says exposure.  
22 Exposures in the abstract?

23 A. Looking at the abstract.

24 Q. Do you see on the screen the word  
25 exposures?

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17 Q. Would it surprise you to know that  
18 nobody has written alert to editor with respect to  
19 O'Brien and Wentzensen who is not a plaintiffs'  
20 expert in this litigation?

21 MS. O'DELL: Objection asked and  
22 answered.

23 THE WITNESS: I would just have to see  
24 all the letters.

25 BY MS. O'DELL:

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1 Q. I see. Are you aware sitting here  
2 today of anybody who's not a plaintiffs experts in  
3 the litigation who has written alert with respect  
4 to O'Brien or Wentzensen's?

5 MS. O'DELL: Object to form. He stated  
6 he doesn't know who's written the letter or  
7 whether they're in litigation or not.

8 BY MS. O'DELL:

9 Q. Leigh, you have just coached the  
10 witness. I appreciate it. Please stop doing it.

11 Dr. Clarke-Pearson sitting here today  
12 are you aware of anyone who is not an expert for  
13 plaintiffs in Talc litigation who has written any  
14 letters involving any publication also about Talc

3 these papers to know whether they were somehow  
4 screening those papers to see whether they use the  
5 word cause. Clearly come up with a finding that is  
6 statistically associated with the development of  
7 ovarian cancer which to me means cause.

8 Q. So is it your testimony that any time  
9 there's an association that means cause?

10 MS. O'DELL: Object to the form.

11 THE WITNESS: No.

12 BY MS. O'DELL:

13 Q. I think that's what you just said you  
14 said statistically association which to me means  
15 cause; correct?

16 A. I think a lot of people would interpret  
17 it as cause.

18 Q. Again sitting here today you can't  
19 identify a single independent scientist not  
20 retained by plaintiffs in this litigation who has  
21 stated that Talc use causes ovarian cancer;  
22 correct?

23 MS. O'DELL: Object to the form.

24 THE WITNESS: Not that I can recall to  
25 answer your question.

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1 BY MS. O'DELL:

2 Q. Are you aware of any published paper in  
3 the scientific literature by an independent  
4 scientist who not a paid expert in this litigation  
5 that includes that Talc use causes ovarian cancer?

6 MS. O'DELL: Object to form asked and  
7 answered also re treads ground that was  
8 previously covered in prior depositions.  
9 And so if you have a question about a  
10 specific paper that has been included in  
11 Dr. Clarke-Pearson's report since July of  
12 2021, you know, then I would ask you to  
13 direct your questions to those publications,  
14 not a re review of everything he has looked  
15 at over the course of this six year  
16 litigation.

17 BY MS. O'DELL:

18 Q. Leigh this is ongoing effort by you to  
19 strike this deposition?

20 MS. O'DELL: It is not it is to state  
21 my objection ton the record.

22 BY MS. O'DELL:

23 Q. I will keep any flee Dr. Clarke-Pearson  
24 sitting here today are you aware of any published  
25 literature any published paper in this scientific

24 and answered.

25 THE WITNESS: I will go to IARC for one

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1 that says the that the source of Talc  
2 outside of mining and industrial exposure is  
3 most likely secondary to cosmetic exposure.

4 BY MS. O'DELL:

5 Q. Again I'm going to ask the question are  
6 you aware of a single scientific body in the United  
7 States that has stated that cosmetic Talc use  
8 causes ovarian cancer?

9 MS. O'DELL: Objection form. Asked and  
10 answered.

11 THE WITNESS: Cosmetic Talc Johnson's  
12 baby powder has asbestos in it. Asbestos  
13 causes ovarian cancer. Many organizations  
14 at the highest level of our government and  
15 scientific community have identified  
16 asbestos as causing ovarian cancer.

17 BY MS. O'DELL:

18 Q. Can you identify a single scientific  
19 body in the United States that has stated cosmetic  
20 Talc causes ovarian cancer?

21 MS. O'DELL: Objection to form. The

22 question was just asked Dr. Clarke-Pearson  
23 give his answer. Dr. Clarke-Pearson, you're  
24 welcome to respond again but if you if it's  
25 the same answer previously again you can so

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1 say that.

2 BY MS. O'DELL:

3 Q. Leigh you're pattern of obstructing  
4 this deposition and coaching the witness.  
5 Dr. Clarke-Pearson with all due respect you are not  
6 answering the question I asked.

7 My question is whether there is any  
8 United States scientific body, any scientific body  
9 in the United States that has stated that cosmetic  
10 Talc use causes ovarian cancer?

11 MS. O'DELL: Objection to form. Asked  
12 and answered. Please do not badger  
13 Dr. Clarke-Pearson or be disrespectful.

14 THE WITNESS: If you're focusing only  
15 on the term Talc then I'm not aware of that.  
16 But Talc has asbestos in it.

17 BY MS. O'DELL:

18 Q. Dr. Clarke-Pearson do you have an  
19 opinion as to what percentage of Johnson's baby

16 women that have ovaries.

17 BY MS. O'DELL:

18 Q. Dr. Clarke-Pearson, can you point to me  
19 to any epidemiological studies showing that the  
20 level of asbestos to which a woman is allegedly  
21 exposed from talcum powder can cause ovarian  
22 cancer?

23 MS. O'DELL: Objection to form.

24 Incomplete hypothetical.

25 THE WITNESS: I'm unaware of any

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1 threshold if you will or minimum amount of  
2 asbestos that would or would not cause  
3 ovarian cancer.

4 BY MS. O'DELL:

5 Q. Is sit your opinion that talcum powder  
6 that does not contain asbestos causes ovarian  
7 cancer?

8 A. I'm not aware of any talcum powder  
9 based on the data that I've seen that doesn't  
10 contain asbestos.

11 Q. If a woman to use cosmetic Talc that  
12 doesn't contain asbestos would she be at increased  
13 of ovarian cancer?

14           A.    I would think that evidence shows that  
15   if you make the hypothetical there's no asbestos in  
16   it then the talcum powder and the all a if you  
17   had's have been done and hypothetically that those  
18   patients were exposed those women were exposed to  
19   talcum powder that didn't have asbestos they still  
20   had a higher risk of ovarian cancer caused by  
21   talcum powder.

22           Q.    Do you believe that the mechanism by  
23   which talcum powder can cause ovarian cancer is the  
24   same for talcum powder that contains asbestos and  
25   talcum powder that doesn't contain asbestos?

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1           MS. O'DELL:  Objection to question this  
2           is re treading ground that was covered in I  
3           believe it was January or February 2019  
4           almost concluded and Dr. Clarke-Pearson  
5           already answered the questions.

6   BY MS. O'DELL:

7           Q.    Can doctor because Dr. Moss he dial it  
8   takes twice as long to ask every question court  
9   reporter?

10           MS. O'DELL:  That's incorrect you know  
11           I'm just what you stated is an error on the

12 record. Please ask your question.

13 (The reporter read back the last question.)

14 A. Yes.

15 Q. Okay. Let's go off the record.

16 (Recess taken from 1:23 p.m. until 1:25 p.m.)

17 BY MS. DAVIDSON:

18 Q. So number 1 court's order is very clear  
19 that case specific experts align deposed for I'm  
20 going to read the order exactly.

21 MS. O'DELL: Dr. Clarke-Pearson has  
22 already been deposed for 14 hours --

23 MS. DAVIDSON: You're literally --  
24 you're literally interrupting me.

25 MS. O'DELL: On his case specific

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1 opinions and that occurred in August of --

2 MS. DAVIDSON: You're interrupting me,  
3 Leigh. You literally interrupted me  
4 mid-sentence.

5 MS. O'DELL: Well --

6 MS. DAVIDSON: According to order as I  
7 was saying before I was interrupted  
8 depositions of experts who address case  
9 specific issues to individual plaintiffs in



9 opinions; is that correct?

10 A.

11 MS. O'DELL: Object to the form.

12 THE WITNESS: Yes, that's correct.

13 BY MS. DAVIDSON:

14 Q. Is that still the case?

15 A. Yes.

16 MS. O'DELL: Object to form.

17 BY MS. DAVIDSON:

18 Q. Did you add any company documents to  
19 your second amended reliance list?

20 A. I don't recall.

21 Q. If you could look at Item 121 it's put  
22 that up on the screen Asher. We're marking your  
23 second supplemental reliance list as Exhibit 17 and  
24 let's go to Item 121?

25 MR. TRANGLE: 121 okay.

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1 BY MS. DAVIDSON:

2 Q. And at 121 says JNJTalC C001465273. Do  
3 you recall adding that to your supplemental  
4 reliance list?

5 A. I -- I don't, no.

6 MS. O'DELL: If you're identifying --

7           excuse me, if you're identifying something  
8           by Bates Number which obviously there are  
9           hundreds of combinations of Bates numbers  
10          which would be difficult for anyone to  
11          remember much less in relation to all of the  
12          things that Dr. Clarke Dr. Clarke-Pearson  
13          reviewed if there's a specific document you  
14          could pull it up and he could identify it by  
15          something other than the Bates Number.

16                MS. DAVIDSON: Well, Leigh, I have  
17          asked --

18                MS. O'DELL: Seems to be unfair way to  
19          try to identify document for him.

20                MS. DAVIDSON: Leigh, I've asked you  
21          multiple times today to please keep your  
22          objections to objections to form. Your  
23          testimony is not called for here. You're  
24          not the witness. And it is inappropriate  
25          under federal law that you continue to try

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1           to testify and tell the witness what to say.

2   BY MS. DAVIDSON:

3           Q.   Dr. Clarke-Pearson, correct that you

4   stated that you don't recall what this document is;